

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Harry Feigen	Team: Squad #13	CCRB Case #: 201603171	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 04/06/2016 3:10 PM	Location of Incident: 555 West 158th Street	Precinct: 33	18 Mo. SOL 10/6/2017	EO SOL 10/6/2017	
Date/Time CV Reported Wed, 04/06/2016 5:17 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 04/13/2016 11:06 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Ramu Hiller	00362	926956	NARCBMN
2. DT3 Sid Caesar	02062	932396	NARCBMN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Jorge Tobon	04696	920903	NARCBMN
2. DT3 Tyrone Viruet	05654	916872	NARCBMN

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Ramu Hiller	Force: Det. Ramu Hiller used physical force against § 87(2)(b)	
B.DT3 Ramu Hiller	Force: Det. Ramu Hiller used physical force against § 87(2)(b)	
C.DT3 Ramu Hiller	Force: Det. Ramu Hiller restricted § 87(2)(b) breathing.	
D.DT3 Ramu Hiller	Discourtesy: Det. Ramu Hiller spoke discourteously to § 87(2)(b)	
E.DT3 Ramu Hiller	Off. Language: Det. Ramu Hiller made remarks to § 87(2)(b) based upon ethnicity.	
§ 87(4-b), § 87(2)(g)		

### Case Summary

On April 6, 2016, Sgt. Robert Kelly of Narcotics Borough Manhattan North called IAB to report that § 87(2)(b) had been injured in police custody, generating IAB log 16-12231. The case was received at the CCRB on April 13, 2016.

§ 87(2)(b) speaks very limited English. He provided a statement to the CCRB in Spanish.

On April 6, 2016, at approximately 3:10 p.m., § 87(2)(b) was sitting outside of West 155<sup>th</sup> Street in Manhattan with another individual, § 87(2)(b) whom § 87(2)(b) did not know prior to this incident. § 87(2)(b) stood up to walk to a Deli located next to 555 West 158<sup>th</sup> Street, and saw two police officers in plainclothes, Det. Ramu Hiller and Det. Sid Caesar (both of Narcotics Borough Manhattan North), walking towards him. Det. Hiller approached § 87(2)(b). § 87(2)(b) grabbed his left shoulder, and turned him around so he was facing the front of 555 West 158<sup>th</sup> Street. § 87(2)(b) asked what was happening, and Det. Hiller pushed § 87(2)(b) into the wall in front of him, causing a laceration to § 87(2)(b)'s forehead (**Allegation A**). Det. Caesar approached § 87(2)(b) at that time and placed him in handcuffs without incident.

Det. Hiller placed § 87(2)(b) in handcuffs, and then threw him to the ground. Det. Hiller then placed his knee on § 87(2)(b)'s back while § 87(2)(b) was positioned on his knees, so that § 87(2)(b)'s chest was nearly pressed against his thighs (**Allegation B**). This hold can be seen from multiple angles from footage taken by video cameras outside of 555 West 158<sup>th</sup> Street and 559 West 158<sup>th</sup> Street (01 Board Review). Det. Hiller held § 87(2)(b) in this position for almost two minutes, which caused § 87(2)(b) to have difficulty breathing (**Allegation C**). § 87(2)(b) told Det. Hiller to get off of him, and Det. Hiller replied, "Shut up, fucking immigrant" (**Allegations D and E**).

§ 87(2)(b) and § 87(2)(b) were transported to the 33<sup>rd</sup> Precinct stationhouse and charged with § 87(2)(a) 160.50. § 87(2)(b) was still bleeding from his forehead at the stationhouse, and was eventually transported to § 87(2)(b) where he was given three stitches to his forehead, and Tylenol for pain.

### Mediation, Criminal, and Civil Histories

- This case was not suitable for mediation due to § 87(2)(b)'s arrest.
- A notice of claim request was returned from the NYC Comptroller's office with negative results on July 22, 2016 (02 Board Review).

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED]  
[REDACTED]  
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[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

### **Civilian and Officer CCRB Histories**

- This is § 87(2)(b)'s first CCRB complaint.
- Det. Hiller has been a member of service for 15 years. In case 200203907, physical force, threat of arrest, and discourtesy allegations were substantiated against him. There are four additional discourtesy allegations on his record; one has been closed as unfounded, two as unsubstantiated, and one as victim uncooperative.

### **Civilian Contact Attempts**

§ 87(2)(b) could not provide any contact information for § 87(2)(b). Two letters were sent to the address listed on his arrest report. Searches of CTS, Whitepages.com, Lexis Nexis, and Clear had negative results for § 87(2)(b). A BADS search for past arrests of § 87(2)(b) yielded three potential addresses and one potential phone number. The number was called, and a male informed the investigator that it was the wrong number. Two letters were sent to each potential address. To date, § 87(2)(b) has not contacted the CCRB.

### **Findings and Recommendations**

#### **Video Footage**

Video footage from the exterior of 555 West 158<sup>th</sup> Street was obtained (05 Board Review), and is linked below in two parts. It shows the incident from two angles; one captures the stairs in front of 555 West 158<sup>th</sup> Street, and the other captures the sidewalk facing west towards Broadway. In it, § 87(2)(b) and § 87(2)(b) can be seen standing on the steps in front of 555 West 158<sup>th</sup> Street for several minutes. § 87(2)(b) hands something to § 87(2)(b) at one point, and goes inside of the building briefly, then exits and starts walking west on West 158<sup>th</sup> Street. An officer (Det. Caesar) approaches § 87(2)(b) and places him in handcuffs several seconds after § 87(2)(b) exits the building. Det. Hiller pushes § 87(2)(b) against the side of 555 West 158<sup>th</sup> Street, and then can be seen pushing and bracing himself against the wall for several minutes. § 87(2)(b) cannot be seen on the screen during this section of the video. Det. Hiller and Det. Caesar can be seen standing next to the building for several minutes, with § 87(2)(b)

still off-screen. Det. Hiller then begins pushing again against the area of the wall where § 87(2)(b) is presumably standing, and shortly afterwards pulls § 87(2)(b) away from the wall and onto the ground. Det. Hiller then places his knee on § 87(2)(b)'s back, with § 87(2)(b) hunched over on his knees. Det. Hiller keeps § 87(2)(b) in this position for almost two minutes, and then stands him up when additional officers arrive at the scene.



2016-07-22\_14-54-28.mp4



2016-07-27\_15-48-33.mp4

Video footage from the exterior of 559 West 158<sup>th</sup> Street, the deli next to 555 West 158<sup>th</sup> Street, was also obtained. Two cameras from that location captured a portion of the incident from different angles, and are linked below. In the first angle, the lower half of Det. Hiller's body can be seen, as he is apparently pushing against the wall in front of him. After several seconds, Det. Hiller pulls § 87(2)(b) off of the wall, places him on the ground, and then places his knee on § 87(2)(b)'s back as § 87(2)(b) is hunched over on his knees. § 87(2)(b) is held in this position until additional officers arrive on the scene. The second video shows the same portion of the incident, but from a different angle.



2016-07-22\_14-39-43.mp4



2016-07-22\_14-44-30.mp4

### **Explanation of Officer Identification**

Det. Hiller stated that Det. Caesar was the officer who apprehended § 87(2)(b) while Det. Hiller was apprehending § 87(2)(b). When interviewed, however, Det. Caesar stated he did not recall the incident (06 Board Review). He did not have any entries in his memo book from the date of the incident (07 Board Review), nor was he listed on the tactical plan (08 Board Review). When shown the video footage taken from outside of 555 West 158<sup>th</sup> Street, Det. Caesar stated that the black male officer standing in front of the building “kind of” looked like him (09 Board Review). Det. Caesar also identified the black male officer shown in the video taken from 559 West 158<sup>th</sup> Street as Det. Carty, and stated that Det. Carty is the only other black male officer on this narcotics team besides himself (10 Board Review). § 87(2)(b) described the officer who apprehended § 87(2)(b) as a 6’0” tall, 35-year-old muscular black male with dark hair (11 Board Review). He also described one of the officers who arrived in the second group of officers as a 5’10” tall, 40-year-old black male with a bald head. These two descriptions match up with Det. Caesar, a 6’0” tall, 230 pound, § 87(2)(b)-old black male with black hair (12 Board Review), and Det. Carty, a 5’8” tall, § 87(2)(b)-old black male with a bald head (13 Board Review), respectively.

§ 87(2)(g)

§ 87(2)(g)

### **Allegations Not Pleaded**

§ 87(2)(e), § 87(2)(f), § 87(2)(g)

### **Allegation A: Force - Det. Ramu Hiller used physical force against § 87(2)(b)**

It is undisputed that § 87(2)(b) sustained a laceration to his forehead while being placed under arrest by Det. Hiller. § 87(2)(b) was taken to § 87(2)(b) in NYPD custody later in the day, where he was given three stitches to his forehead.

§ 87(2)(b) stated that Det. Hiller approached him in front of 555 West 158<sup>th</sup> Street, grabbed his left shoulder, and turned him around so he was facing the exterior of 555 West 158<sup>th</sup> Street. § 87(2)(b) turned over his shoulder and asked what was happening, at which time Det. Hiller pushed him forward, causing him to hit his head against the wall in front of him. § 87(2)(b) denied that he had resisted Det. Hiller physically in any way prior to being pushed forward.

Det. Hiller stated that when he approached § 87(2)(b) he grabbed § 87(2)(b)'s arms, identified himself as a police officer, and ordered § 87(2)(b) to give him his arms to be placed in handcuffs. § 87(2)(b) tensed his arms and flailed them slightly, so that Det. Hiller could not pull them behind his back. Det. Hiller then pushed § 87(2)(b) into the wall in front of them, and § 87(2)(b) continued to tense his arms and tried backing up into Det. Hiller. Det.

Hiller struggled with § 87(2)(b) for approximately three minutes, and at one point held his forearm across § 87(2)(b)'s upper back and pushed him forward towards the wall to keep him steady. Det. Hiller was then able to place § 87(2)(b) in handcuffs. When Det. Hiller pulled § 87(2)(b) away from the wall, he noticed that § 87(2)(b) was bleeding from his forehead, but Det. Hiller did not know at what point specifically § 87(2)(b) had sustained this injury. He did not see § 87(2)(b)'s head strike the wall at any point, nor did he ever push § 87(2)(b) forward with the intention of causing any injury, but he believed that § 87(2)(b) most likely sustained this injury when he pushed § 87(2)(b) against the wall by his upper back (17 Board Review).

As stated above, the video from the exterior of 555 West 158<sup>th</sup> Street does not capture § 87(2)(b)'s apprehension in full. In the top-right frame, Det. Hiller can be seen approaching § 87(2)(b) and then placing him against the wall at that location. Det. Hiller's body can be seen as he subsequently struggles and pushes § 87(2)(b) against the wall, but § 87(2)(b) cannot be seen in the video.

§ 87(2)(g)  
§ 87(2)(b) in his CCRB interview, he denied selling drugs to anyone prior to being arrested, § 87(2)(g).  
§ 87(2)(b) also admitted to medical personnel that he had ingested cocaine earlier in the day before this incident, § 87(2)(g).  
(18 Board Review). Det. Hiller, § 87(2)(g), admitting to the force he used to gain control of § 87(2)(b) as well as to profanity he used during the incident. § 87(2)(g)  
§ 87(2)(g)  
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§ 87(2)(g)

According to Patrol Guide Procedure 221-01, police officers may use reasonable force under the circumstances to gain control of a person who is resisting arrest or attempting to escape police custody (19 Board Review).

§ 87(2)(g)  
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§ 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

minute and fifty seconds, other officers from the prisoner van arrived at their location, and § 87(2)(b) was stood up from the ground.

§ 87(2)(b) denied that he had physically resisted Det. Hiller in any way prior to being on the ground. When interviewed and asked whether the manner in which Det. Hiller held the ground caused him to have difficulty breathing, § 87(2)(b) stated that it did.

§ 87(2)(b) to the ground and held him in that position to prevent § 87(2)(b) from escaping. Det. Hiller stated that he held § 87(2)(b) with his upper body strength, and did not apply his entire weight to § 87(2)(b)'s back. Det. Hiller denied that § 87(2)(b) ever indicated that he was having difficulty breathing.

According to Patrol Guide Procedure 221-02, police officers may use reasonable force under the circumstances to gain control of a person who is resisting arrest or attempting to escape police custody. Section 221-02-11A states that officers should avoid actions which may result in chest compression, such as kneeling on a subject's back (20 Board Review).

§ 87(2)(g)

**Allegation D: Discourtesy – Det. Ramu Hiller spoke discourteously to § 87(2)(b)**

**Allegation E: Offensive Language – Det. Ramu Hiller made remarks to § 87(2)(b) based upon ethnicity.**

§ 87(2)(b) alleged that while he was being held on the ground by Det. Hiller, he told Det. Hiller to get off of him, and Det. Hiller replied, “Shut up, fucking immigrant.”

Det. Hiller admitted that when § 87(2)(b) was refusing to give him his hands to be handcuffed, that he most likely asked § 87(2)(b) “What the fuck’s the matter with you?” Det. Hiller stated that he used this profanity because he had identified himself as a police officer to § 87(2)(b) and he wanted § 87(2)(b) to stop fighting with him. Det. Hiller was aware that § 87(2)(b) did not speak English.

Det. Hiller denied using any other profanity during the incident. When he was holding § 87(2)(b) on the ground, the only statement he recalled making to § 87(2)(b) was telling him to “be quiet.” Det. Hiller denied referring to § 87(2)(b) as a “fucking immigrant,” or making any other similar comments towards § 87(2)(b) based upon ethnicity or immigration status.

According to Patrol Guide Procedure 203-09, an officer must be courteous and respectful when dealing with members of the public (21 Board Review).

§ 87(2)(g)  
[REDACTED]

§ 87(4-b), § 87(2)(g)  
[REDACTED]

[REDACTED]



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Squad: 13

Investigator: \_\_\_\_\_  
Signature Print Date

Squad Leader: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date